



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

TONY TOLBERT,
Plaintiff,

vs.

CHARTER COMMUNICATIONS et al.,
Defendants.

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CIVIL ACTION NO. 6:10-2618-HFF-JDA

ORDER

This case was filed as a job discrimination action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' motion be denied as to Defendant Charter Communications, LLC, and granted as to the individual Defendants. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 17, 2011, and Defendant Charter filed its objections to the Report on March 2, 2011. Plaintiff failed to file any objections. In the absence

of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

In regards to Defendant Charter's objections, the Court has reviewed those objections, but agrees with the Magistrate Judge that dismissal of the case as against Defendant Charter is inappropriate at this stage.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Defendant Charter's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' motion is **DENIED** as to Defendant Charter and **GRANTED** as to the individual Defendants.

IT IS SO ORDERED.

Signed this 6th day of April, 2011, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.